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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91224737
Party	Defendant Conopco, Inc.
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Date	03/28/2016
Attachments	Applicant's Answer and Affirmative Defenses to Opposer's Notice of Opposi- tion_Opp. No. 91224737_DERMASERIES SPA.pdf(321540 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Dr. Richard G. Asarch,)	
)	Opposition No. 91224737
Opposer,)	
)	Mark: DERMASERIES SPA
v.)	App. Serial No. 86312163
)	
Conopco, Inc.,)	
)	
Applicant.)	
)	

**APPLICANT'S ANSWER AND AFFIRMATIVE
DEFENSES TO OPPOSER'S NOTICE OF OPPOSITION**

Applicant, Conopco, Inc. ("Applicant"), by and through its undersigned attorneys, hereby files its Answer and Affirmative Defenses to Opposer's Notice of Opposition.

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 and therefore denies the same.
2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 2 and therefore denies the same.
3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 3 and therefore denies the same.
4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4 and therefore denies the same.
5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5 and therefore denies the same.

6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6 and therefore denies the same.
7. Applicant denies the allegations contained in paragraph 7.
8. Applicant admits the allegations contained in paragraph 8.
9. Applicant's Application Serial No. 86312163 and the file history thereof speak for themselves and Applicant respectfully refers Opposer and the Trademark Trial and Appeal Board to said records for any and all details relating to the application.
10. Applicant's Application Serial No. 86312163 and the file history thereof speak for themselves and Applicant again respectfully refers Opposer and the Trademark Trial and Appeal Board to said records for any and all details relating to the application.
11. Opposer's allegations contained in paragraph 11 are vague and ambiguous as to the details of Applicant's response to the Office Action for Application Serial No. 86312163; accordingly, Applicant denies the same.
12. While Applicant admits the allegations contained in paragraph 12, Applicant respectfully asserts that Opposer's allegations contained in paragraph 12 have no bearing on the instant proceeding as they relate to matters outside the U.S.
13. Applicant's Application Serial No. 86312163 and the file history thereof speak for themselves and Applicant again respectfully refers Opposer and the Trademark Trial and Appeal Board to said records for any and all details relating to the application.
14. Applicant denies the allegations contained in paragraph 14 insofar as Opposer's statements concerning the relevance of the evidence Applicant submitted in its

response to the Office Action for Application Serial No. 86312163 and admits that the Examining Attorney withdrew the refusal based on Section 2(d) of the Lanham Act and Opposer's Reg. No. 2846200.

15. Applicant admits the allegations contained in paragraph 15.
16. Applicant admits the allegations contained in paragraph 16.
17. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 17 and therefore denies the same. Moreover, the allegation is vague as to "any rights upon which Applicant may rely."
18. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 18 and therefore denies the same. Moreover, the allegation is vague as to any rights upon which Applicant may rely.
19. Applicant denies the allegations contained in paragraph 19 as they relate to the term "DERMA," but admits the allegations contained in paragraph 19 as they relate to the term "SPA."
20. Applicant denies the allegations contained in paragraph 20.
21. Applicant denies the allegations contained in paragraph 21. Moreover, Applicant asserts that the allegations contained in paragraph 21 are irrelevant to the instant proceeding as the same relate to "other countries" which presumably means outside of the U.S.
22. Applicant asserts that Opposer's allegations contained in paragraph 22 have no bearing on the instant proceeding as they relate to matters outside the U.S.

23. Applicant asserts that Opposer's allegations contained in paragraph 23 have no bearing on the instant proceeding as they relate to matters outside the U.S.
24. Applicant asserts that Opposer's allegations contained in paragraph 24 have no bearing on the instant proceeding as they relate to matters outside the U.S.
25. Applicant denies the allegations contained in paragraph 25. Moreover, Applicant asserts that the allegations contained in paragraph 25 are irrelevant to the instant proceeding as the same relate to matters outside of the U.S.
26. Applicant denies the allegations contained in paragraph 26.
27. Applicant denies the allegations contained in paragraph 27.

AFFIRMATIVE DEFENSES

1. The Notice of Opposition fails to state a claim upon which relief can be granted under Fed. R. Civ. P. 12(b)(6).

Respectfully submitted,

By:



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Date: March 28, 2016

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document **APPLICANT'S ANSWER AND AFFIRMATIVE DEFENSES TO OPPOSER'S NOTICE OF OPPOSITION** was served upon Attorney for Opposer, Daniel R. Johnson, Esq. of Waskowski Johnson Yohalem LLP, 954 W. Washington Boulevard, Suite 720, Chicago, Illinois 60607, via email, upon consent, at the following email address djohnson@wjylegal.com on March 28, 2016.

A handwritten signature in blue ink, appearing to read "Sonia Allahdad", is written over a horizontal line.

Sonia Allahdad